

1 **WAGANAKISING ODAWAK STATUTE #**
2 **ODAWA ORGANIC FARMING INCORPORATED STATUTE**
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5 **SECTION I. PURPOSE AND TITLE**
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7 **A. Purpose.** The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises
8 powers of self-government over its Citizens and territory. In accordance with Article VII (D) (4),
9 the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa
10 Indians charter of incorporation for economic purpose, to provide for the management of the
11 non-gaming, economic affairs and to delegate such management to a Tribally chartered
12 corporation in accordance with Article VII (D) (24) and regulate such tribally chartered
13 corporation activities in accordance with Article VII (D) (4).
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15 **B. Short Title.** This Statute shall be known and cited as the “Odawa Organic Farming,
16 Inc. Statute.”
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19 **SECTION II. DEFINITIONS**
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21 **A. “Non-gaming Economic Affairs”** means economic development enterprises and
22 activities not related to the gaming commercial enterprises.
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24 **B. “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians”** means
25 “*areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries*
26 *of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third*
27 *and fourth’ of the Treaty of 1855, 11 Stat.621”* Little Traverse Bay Bands Constitution, Article
28 V(A)(1)(a).
29

30 **C. “Tribe” or “LTBB”** means the Little Traverse Bay Bands of Odawa Indians.
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1 **D.** *“Tribal Constitution”* means the Little Traverse Bay Bands of Odawa Indians
2 Constitution as adopted by its membership on February 1, 2005.

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4 **E.** *“Tribal Council”* means the elected body of nine (9) Tribal Citizens of Little Traverse
5 Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII. “Tribal
6 Council”.

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9 **SECTION III. CREATION OF THE ODAWA ORGANIC FARMING, INC.**
10 **CORPORATE CHARTER**
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12 A tribally chartered corporation is authorized by this Statute and shall be named the “Odawa
13 Organic Farming, Inc.” and shall be a self-sustaining non-profit entity and shall provide for the
14 health and welfare of the Tribal Community through the use of sustainable farming. The
15 organization is recognized by the approval of the tribal corporation charter; “Odawa Organic
16 Farming, Inc.” by Tribal Council.

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19 **SECTION IV. SCOPE OF ACTIVITIES**
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21 **A.** The Odawa Organic Farming, Inc. is authorized to conduct farming activities on lands
22 designated by Tribal Council.

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24 **B.** The Odawa Organic Farming, Inc. shall be assigned those assets as existed and are
25 currently within the any designated lands, tangible and intangible properties, unless otherwise
26 excluded by Tribal Council. Such assets shall be held by the Odawa Organic Farming, Inc. on
27 behalf of the Tribe. The assets assigned Tribal Council shall be independently managed by the
28 Odawa Organic Farming, Inc.

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31 **SECTION V. COMPOSITION, ELIGIBILITY AND APPOINTMENT**
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33 **A. Composition**

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2 **1.** The Board shall consist of three (3) to five (5) persons who meet the eligibility
3 requirements set out in subsection (B) of this section.
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5 **2.** The Board members shall have a Chairperson and Secretary elected by the Board
6 members, annually.
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8 **B. Eligibility**
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10 To serve on the Board a person must meet all of the following criteria:
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12 **1.** A person must be at least eighteen years of age;
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14 **2.** No person can serve on the Board within seven (7) years of completion of a
15 sentence or probation upon being convicted of a felony in tribal, state or federal court,
16 unless such conviction has been vacated or overturned.
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18 **3.** To be considered, a person should meet at least two of the following criteria:
19

20 i. High School Diploma or General Educational Development, (G.E.D.)
21

22 ii. Two years of secondary education
23

24 iii. Farming or gardening experience
25

26 iv. Associate or Bachelor's degree in business
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29 **SECTION V. MANAGEMENT; STRUCTURE AND FUNCTION**
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1 **A.** The Odawa Organic Farming, Inc. shall have sole authority and responsibility for
2 managing the Odawa Organic Farming, Inc., in accordance with the policies, Statutes,
3 Resolutions, regulations as approved by Tribal Council.

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5 **B.** The Odawa Organic Farming, Inc. shall abide by all tribal and federal laws and
6 regulations as may be applicable.

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8 **C.** It is the duty of the Odawa Organic Farming, Inc. to monitor activities and provide
9 guidance to the management of farming operations.

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11 **D.** It is the duty of the Odawa Organic Farming, Inc. to protect assets of the Tribe and to
12 support Tribal Governmental Services and Programs and Tribal Citizens.

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15 **SECTION VI. REPORTING TO TRIBAL COUNCIL**

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17 In order to regulate, the Odawa Organic Farming, Inc. shall report to the Tribal Council
18 on the following information regarding the Odawa Organic Farming, Inc. and at the regularly
19 scheduled Tribal Council Meetings or such special meetings as requested by the Tribal Council,
20 at least quarterly or as requested:

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22 **A.** Annual operating plan;

23
24 **B.** Financial performance measures;

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26 **C.** Audits, whether internal or external;

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28 **D.** Financial records or statements;

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30 **E.** Tribal Council may request reports regarding all aspects of the Odawa Organic
31 Farming, Inc.

1 **SECTION VII. FINANCING OF THE ODAWA ORGANIC FARMING, INC. AND**
2 **ACTIVITIES**

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4 **A.** The annual budget for the Odawa Organic Farming, Inc. shall be approved by Tribal
5 Council in accordance with an approval process as designated by the Tribal Council.

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7 **B.** Tribal Council approval is required for borrowing of funds. The Odawa Organic
8 Farming, Inc. is not authorized to enter into financing approval without prior ratification by the
9 Tribal Council.

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12 **SECTION VIII. DISSOLUTION CLAUSE**

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14 In the event that the property is no longer used to for farming, the corporation shall be
15 dissolved.

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18 **SECTION VIII. SAVING CLAUSE**

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20 In the event that any phrase, provision, part, paragraph, subsection or section of this
21 statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances
22 or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part,
23 paragraph, subsection or section shall be considered to stand alone and to be deleted from this
24 statute, the entirety of the balance of the statute to remain in full and binding force and effect.

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27 **SECTION IX. EFFECTIVE DATE**

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29 Effective upon signature of the Executive or thirty (30) days from Tribal Council
30 approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal
31 Council override of the veto.

32 **CERTIFICATION**

Odawa Organic Farming, Inc., Draft Statute –sponsored by Councilor Keshick – posted by Tribal Council on 11/17/13